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12 GSI Technology, Inc.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

16 GSI TECHNOLOGY, INC., a Delaware
Corporation,

17 Plaintiff and Counter-Defendant,

18 v.

19 UNITED MEMORIES, INC., a Colorado
20 Corporation, and INTEGRATED
SILICON SOLUTION, INC., a Delaware
21 Corporation,

22 Defendants and Counter-Claimants.
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CASE NO. Civ. Action No. 13-CV-1081-PSG

**DECLARATION OF PAUL CHIANG IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO MOTION FOR SUMMARY JUDGMENT
OF DEFENDANT UNITED MEMORIES,
INC.**

Complaint: Filed March 8, 2013

Courtroom: 5

Judge: Hon. Paul S. Grewal

Hearing Date: February 3, 2015

Hearing Time: 10:00 a.m.

1 I, Paul Chiang, hereby declare as follows:

2 1. I am the Vice President of DRAM Design at GSI Technology, Inc. ("GSI").

3 I have been involved in the memory chip design industry for 34 years.

4 2. I submit this declaration in support of Plaintiff's Opposition to Motion for
5 Summary Judgment of Defendant United Memories, Inc. ("UMI").

6 3. I make this declaration of my personal knowledge and, if called as a witness, I
7 could and would testify competently to the matters set forth herein.

8 4. GSI paid UMI to design a 576Mb low latency DRAM ("LLDRAM") chip. GSI
9 hired me to manage the development of the chip, and specifically, to be a primary point of contact
10 with UMI. I have 29 years of experience in DRAM design.

11 5. On December 18, 2008, UMI delivered to GSI a database pertaining to a 576Mb
12 LLDRAM chip. This type of database is sometimes referred to as a "layout database" or a "tape
13 out database."

14 6. At the time UMI delivered the database in December 2008, UMI and GSI had a
15 good business relationship. UMI and GSI were working together collaboratively to develop the
16 576Mb chip. I worked with UMI employees, such as Jon Faue and Larry Aldrich, and I trusted
17 them. I believed that, as GSI's business partner, UMI would look out for GSI's interests.

18 7. I reviewed the database delivered by UMI. The database contained a compilation
19 of materials including, among other things, all circuit schematics, schematics simulation
20 modeling and parasitics, LVS hierarchy, signal/circuit matrix, pad locations, fuse locations, and
21 full simulation files for the 576Mb LLDRAM chip. The database also contained a library,
22 portions of which are necessary to develop the chip.

23 8. UMI made changes to the database, and delivered updated versions on December
24 20, 2008 and again in January and June of 2009.

25 9. I have worked with several memory chip design firms. In my experience in the
26 memory chip industry, the items a design firm generally must deliver at the completion of a
27 project include, at least, the layout, the circuit schematics, the library, schematics simulation
28 modeling, and documents for test functions.

1 10. Each is critical to the development of a memory chip. The compilation of these
2 materials is often referred to as the "database."

3 11. UMI marked many, if not all, of the items in 576Mb chip database as "UMI
4 Confidential." As the party developing the database and its components, UMI had the first
5 opportunity to label the materials as "confidential."

6 12. It is common practice in the industry to label materials as "confidential" at the
7 time they are initially developed. As long as they are marked "confidential," the actual words on
8 the label are not significant to me.

9 13. In my management of this and similar projects, I generally assume that the
10 contract between the parties governs who owns the materials developed by the design firm, not
11 the label on the materials.

12 14. When I saw the components of the database were labelled "UMI confidential," I
13 presumed it was UMI's standard practice to label all materials, whether developed for itself or
14 another firm, as UMI confidential. I believed the contract between UMI and GSI, not the
15 confidential label, governed which party owned the materials.

16 15. GSI restricts access to its confidential and proprietary information. Except for a
17 limited number of high-level managers, the only employees who are able to access GSI's DRAM
18 design documents (including those relating to the 576Mb and Atris chips) are members of the
19 DRAM team. GSI has had about eight individuals on its DRAM team.

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21 I declare under penalty of perjury that I have read the foregoing and that the same is true
22 and correct. Executed on January 13, 2015.

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25 PAUL CHIANG